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DATE: February 8, 2005

TO: Examiner Carol D. Chaney
Group Art Unit 1745

FAX #: 703-872-9306

PHONE #: 703-305-3777

Application No.: 09/606,884
Applicant: BI et al.
Due Date: February 15, 2005

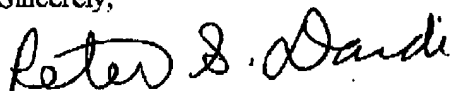
OUR REF.: 2950.32US03

FROM: Peter S. Dardi, Ph.D.
PHONE #: (612) 349-5746

Attached please find the following document for filing in the above-identified patent application:

- 1) Reply Brief Transmittal (1 page)
- 2) Reply Brief (3 pages)

Sincerely,

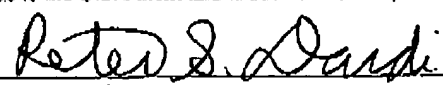


Peter S. Dardi, Ph.D.
Reg. No. 39,650

CERTIFICATE OF FACSIMILE TRANSMISSION

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February 8, 2005
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Peter S. Dardi

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Attorney Docket No. 2950.32US03

REPLY BRIEF TRANSMITTAL

In re the application of:

BI et al.

Confirmation No.: 6843

Application No.: 09/606,884

Examiner: Carol Diane Chaney

Filed: June 29, 2000

Group Art Unit: 1745

For: BATTERIES WITH ELECTROACTIVE NANOPARTICLES

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is the Reply Brief in the above-identified application, with respect to the Examiner's Answer dated December 15, 2004.

Respectfully submitted,



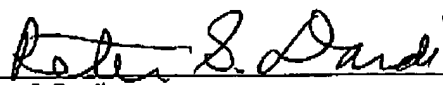
Peter S. Dardi, Ph.D.
Registration No. 39,650

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF FACSIMILE TRANSMISSION

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Peter S. Dardi

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2950.32US03

Bi et al.

Confirmation No.: 6843

Application No.: 09/606,884

Examiner: Carol D. Chaney

Filed: June 29, 2000

Group Art Unit: 1745

For: BATTERIES WITH ELECTROACTIVE NANOPARTICLES

BEFORE THE BOARD OF PATENT APPEAL AND INTERFERENCES
REPLY BRIEF

Mail Stop Patent Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


In response to the Examiner's Answer of December 15, 2004, Appellants respectfully submit the following Reply Brief. In the following, Applicants address issues raised by the Examiner in the Answer.

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

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February 8, 2005
Date


Peter S. Dardi

Application No. 09/606.884

REMARKS

With all due respect, the Examiner did not address all issues raised by Appellants. Specifically, the Examiner did not address Appellants' assertion that the word "average" should not be inserted into the Koksbang reference when that word is simply not present in the reference. Furthermore, the Examiner has not provided any support for the proposition that the knowledge to vary the particle size is well known in the art despite Appellants' repeated requests for such support. Therefore, Appellants assume that the Koksbang reference must stand on its own.

On page 4 of the Examiner's answer, the Examiner asserts that the Koksbang "Example" discloses two ways of obtaining vanadium pentoxide starting materials, a range of reaction times, a range of temperatures and typical reaction color changes. The Koksbang patent indicates that vanadium pentoxide reactant for forming lithium vanadium oxide can be purchased or synthesized according to a specified protocol. However, there is no hint in the Koksbang reference that the properties of the initial vanadium pentoxide influence the properties of the product lithium vanadium oxide in any way. The Koksbang patent does not even characterize the vanadium pentoxide starting material. Thus, the Koksbang patent does not teach the selection between the two approaches for obtaining the vanadium pentoxide as a means to alter the product properties. The "range" of temperatures is "approximately 70° to 80° centigrade," which is a relatively narrow range and may just indicate the fluctuations in temperature expected during the reaction. The Koksbang patent simply does not teach that variation in reaction temperature is significant in any way. The only possible significant parameter would be the reaction time of one to three hours. However, there is no indication that the product properties depend on this parameter either. Given that the ramp up time for the heating and cooling are not specified, it is not clear even if the "heating times" include the time to increase and decrease the temperature. The teaching in the example is just to continue heating until the reaction is

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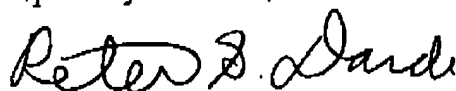
complete, as indicated by the color change. There is no reason to believe that product particle properties depend on the heating time based on the description in the example.

The specification of the particle sizes as being "on the order of" and "typically less than 10 microns" (e.g., Koksbang at column 5, lines 4-6) simply is not consistent with the sizes being an accurately measured average. This use of purposefully imprecise terminology is only consistent with the values being a rough range of particle sizes within particle collections. The Examiner has not provided a good basis for any other interpretation. With all due respect, the Koksbang patent does not place Applicants' claimed invention in the hands of the public. Thus, the Koksbang patent does not render claims 47-53 prima facie anticipated.

SUMMARY

The Examiner has not establishing prima facie anticipation of claims 47-53. Therefore, the rejections should be withdrawn, and Applicants respectfully request such action.

Respectfully submitted,



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